

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

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FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC 8268

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY COPENHAGEN

USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

USMISSION OECD PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION NATO BRUSSELS

AMCONSUL BELFAST

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E.O. 11652: N/A

TAGS: PINS, EI

SUBJECT: IRELAND TO DECLARE STATE OF EMERGENCY

1. SUMMARY. THE IRISH GOVERNMENT FINALLY REVEALED LAST NIGHT THE ANTI-TERRORIST LEGISLATION IT INTENDS TO ASK FOR WHEN THE PARLIAMENT IS RECONVENED IN SPECIAL SESSION AUGUST 31. THE LEGISLATION IS DRACONIAN INDEED, WITH GREATLY INCREASED PRISON SENTENCES FOR TERRORIST OFFENCES AND A SUSPENSION OF MANY CIVIL LIBERTIES. THESE ACTIONS ARE BEING TAKEN AS A RESULT OF THE ASSASSINATION OF THE BRITISH AMBASSADOR. REACTIONS HAVE BEEN VARIED. WITH SOME LABELLING IT AN OVERREACTION. THE IRISH WILL HAVE TO ASK FOR

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A "DEROGATION" OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. END

SUMMARY.

2. THE FIRST MEASURE TO BE PASSED WILL BE AN ORDER DECLARING A STATE OF EMERGENCY, PROVIDED FOR IN THE CONSTITUTION. THIS ORDER THEN GIVES THE PARLIAMENT THE POWER TO PASS TWO OTHER MEASURES WHICH WOULD NORMALLY BE UNCONSTITUTIONAL: A) THE EMERGENCY POWERS BILL, 1976; B) THE CRIMINAL LAW BILL, 1976.

3. THE EMERGENCY POWERS BILL, 1976, GIVES THE POLICE THE POWER TO DETAIN A SUSPECT FOR SEVEN DAYS WITHOUT CHARGE OR GOING BEFORE A MAGISTRATE. THE LAW WOULD AUTOMATICALLY LAPSE IN ONE YEAR IF NOT RENEWED. THE CRIMINAL LAW BILL IS A COMPLICATED AND WIDE RANGING MEASURE. ITS MAIN PROVISIONS ARE:

--INCREASED PENALTIES FOR A WIDE RANGE OF EXISTING OFFENSES, E.G. OBSTRUCTION OF GOVERNMENT BY FORCE, ARMS, OR INTIMIDATION -FROM SEVEN TO TWENTY YEARS; MEMBERSHIP OF AN ILLEGAL ORGANIZATION- TWO TO SEVEN YEARS;

--A NEW OFFENSE, "EXPRESSLY OR IMPLICITLY INCITING OR INVITING SOMEONE TO JOIN OR SUPPORT AN ILLEGAL ORGANIZATION," SENTENCE 10 YEARS;

11INCREASED POWERS OF SEARCH AND ARREST TO POLICE;

--UNDER SPECIFIED CONDITIONS THE ARMY WILL BE GRANTED THE POWERS OF SEARCH AND ARREST (PREVIOUSLY POLICE HAD TO BE PRESENT AND AUTHORIZE SUCH A SEARCH AND ARREST);

--KIDNAPPING, FALSE IMPRISONMENT AND HIJACKING WILL BE FELONIES, CARRYING A LIFE SENTENCE;

--PERSONS CAUGHT WITH A SKETCH OR PLAN OF A PRISON WILL GET FIVE YEARS;

--BOMB HOAXERS WILL GET 500 POUNDS FINE OR TWELVE MONTHS.

4. THERE HAS NOT BEEN SUFFICIENT TIME TO GUAGE PUBLIC REACTION. THE EMBASSY POLITICAL OFFICER MET THE EDITOR OF THE IRISH PRESS, TIM PAT COOGAN, SHORTLY AFTER THE ANNOUNCEMENT. COOGAN WAS VERY LIMITED OFFICIAL USE

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DISTURBED, THOUGHT THE MEASURES WERE AN "OVERREACTION," AND WERE ONLY COSMETIC. HE THEN WENT BACK AND WROTE AN EDITORIAL IN THIS MORNING'S PRESS WHICH STRONGLY CONDEMNED THE MEASURES: "...ONE GETS A STRONG IMPRESSION THAT WHAT MAY BE LARGELY ONLY A WINDOW DRESSING EXERCISE, OR A PRELUDE TO A GENERAL ELECTION CAMPAIGN, COULD SERIOUSLY ERODE BASIC LIBERTIES IN THIS COUNTRY ON THE ONE HAND AND ON THE OTHER PROVOKE A SITUATION FAR WORSE THAN THE ONE WHICH IT WAS MEANT TO CORRECT." ALTHOUGH THE IRISH PRESS

IS NOT EXACTLY A SPOKESMAN FOR THE OPPOSITION FIANNA FAIL PARTY, THE NEWSPAPER IS VERY CLOSE TO THE PARTY AND COOGAN'S OPINIONS CARRY CONSIDERABLE WEIGHT. THE FF FRONT BENCH WILL ASSEMBLE ON AUGUST 30 TO DECIDE WHAT TO DO. OUR GUESS IS THAT THEY WILL OPPOSE.

5. OF THE OTHER TWO DAILIES, THE INDEPENDENT APPLAUDS THE MOVE: "...THE GOVERNMENT IS SURELY DOING NOTHING MORE THAN ITS DUTY IN ENSURING THAT THE MEN OF VIOLENCE ARE KEPT AT BAY." THE IRISH TIMES GIVES PROS AND CONS BUT DOES NOT TAKE A STAND.

6. ACCORDING TO RADIO REPORTS, UNIONISTS OF VARIOUS TYPES IN THE NORTH HAVE HIGHLY COMMENDED THE GOI'S PROGRAM. THE PROVISIONAL SINN FEIN HAS ISSUED A STATEMENT THAT THE GOVERNMENT WILL FIND, AS THE BRITISH HAVE IN RHODESIA (SIC), THAT "REPRESSION IS NO SUBSTITUTE FOR BUILDING A FREE AND JUST SOCIETY."

7. COMMENT: IF THE FIANNA FAIL OPPOSES, THE PASSAGE OF THESE MEASURES COULD TAKE SEVERAL MONTHS, BUT THE GOVERNMENT HAS BOTH THE WILL AND THE VOTES FOR PASSAGE. AN INTERESTING ASPECT WILL BE EC REACTIONS, ESPECIALLY SINCE THE MEASURES WILL BE IN CLEAR VIOLATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. THE GOI HAS ALREADY ANNOUNCED IT WILL SEEK A "DEROGATION" IN BRUSSELS BECAUSE OF THE "EMERGENCY." ALTHOUGH THERE HAS BEEN NO OFFICIAL REACTION FROM HMG, THE PAPERS ARE CITING "OFFICIAL SOURCES" AS SAYING THE BRITISH GOVERNMENT IS HIGHLY PLEASED AT THE IRISH ACTION. CURLEY

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